

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN HOWARD SCHMITT, JR.,

Plaintiff,

-against-

ANTONY JOHN BLINKEN, SECRETARY OF
STATE, UNITED STATES, *et al.*,

Defendants.

23-CV-1892 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff filed this *pro se* action on March 4, 2023. (ECF No. 1.) On March 13, 2023, Plaintiff filed a “Master Bill of Lading, Ships Manifest Non-Negotiable Bill of Exceptions to the Order Directing Payment of Fee or IFP Application Signed by Judge Laura Taylor Swain on 2023, regarding Trust vessel # 1:23-CV-1892 LTS.” (ECF No. 2.) The next day, on March 14, 2023, Plaintiff filed a “Proof of Consideration.” (ECF No. 3.)

By order dated March 29, 2023, the Court directed Plaintiff, within thirty days, to submit a completed request to proceed *in forma pauperis* (“IFP”) or pay the \$402.00 in fees required to file a civil action in this court. (ECF No. 4.) That order specified that failure to comply would result in dismissal of the complaint.

On March 30, 2023, Plaintiff filed a “Master Bill of Lading, Ships Manifest Non-Negotiable Interlocutory Appeal.” (ECF No. 5.) Finally, on April 27, 2023, Plaintiff filed a “Notice of Order Pro Confesso on Special Deposit.” (ECF No. 6.)

Plaintiff has not filed an IFP application or paid the fees. Accordingly, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf.*

Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: May 10, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge